

1 **REMARKS**

2 Reconsideration of the application in view of the above amendments and the following remarks  
3 is respectfully requested.

4 A clean copy of the amended specification is appended at the end of this response and  
5 amendment.

6 Claims 35-67 are pending in this application.

7 The office action states that Claims 35-67 are rejected under Section 35 U.S.C. 112.

8 The claims have been amended to remove the lack of antecedence noted by Examiner. The  
9 claims have been amended to substitute the words "large plurality" for "large number" and "large  
10 group". Note that the claims have not been broadened or narrowed by the above amendments.

11 The claims have not been amended to narrow them on the basis of any prior art known to  
12 Applicant.

13 Applicant states that "large plurality" is very well understood in the patent literature, as  
14 there are 568 references in the patent publications in 4 years, and 2504 hits in the US issued  
15 patents since 1976. Rapid scans on the last 10 publications reveals only two with any definition  
16 of "large plurality". All others of the 8 publications have a single instance of "large plurality"  
17 with no actual number quoted in the same paragraph. These are quoted below:

18 United States Patent Application 20040157314 Bergeron, Dominique ; et al. filed  
19 August 12, 2004

20 "[0151] In a preferred embodiment, the screening methods of the invention are "high throughput  
21 method of screening" which means that they allow the evaluation or screening of a large plurality  
22 of compounds, rather than just one or a few compounds. Preferably the methods of screening  
23 according to the invention can be used to conveniently test at least 100, more preferably at least  
24 1000, still more preferably at least 10,000, and most preferably at least 100,000 different  
25 compounds, or even more per day. In an even more preferred embodiment, the method of  
26 screening is amenable to automated, cost-effective high throughput screening on libraries of  
27 compounds for lead development."

1 20040145497 Automated traffic control system having an interactive emergency vehicle  
2 warning therein

3 "Here, the matrix includes a large plurality of several hundred individual diodes behind a clear  
4 glass or polycarbonate lens. In normal operation, all or almost all of the yellow light-emitting  
5 diodes are operative for a signal "A" that transpires during normal nonemergency operation"

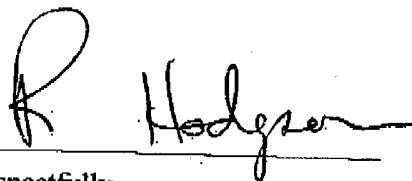
6 From these two examples, it seems clear that "large plurality" is in the region of a  
7 hundred or more.

8 No additional fee is required. The required fees and any insufficiency or overage (except  
9 issue fees) may be debited or credited to deposit account 08/2240. A signed deposit account  
10 authorization is on file for this case.

11 On the basis of the above amendments and remarks, reconsideration of this application  
12 and its early allowance is respectfully requested.

13 CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8(a) and (b), 37CFR 1.86(f)-  
14 I hereby certify that the following attached correspondence comprising Response and Amendment is being sent by facsimile transmission to  
15 FAX NUMBER 703-872-9306 on August 17, 2004.

16 Amendment and Response  
17 to:  
18 Commissioner of Patents, Alexandria, VA 22313-1450

19  
20   
21 Respectfully,

22 822 Pinesbridge Road,  
23 Ossining, NY 10562.  
24 914-762-5248 (Fax 914-762-4126)  
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Rodney T. Hodgson Agent # 37,849

(Name of person mailing paper or fee)



24295

PATENT TRADEMARK OFFICE

Docket No 998-021 serial No. 09/868,463 Inventors: Dism, Marc, Bargonetti, Jill, Gopen, Tamara, Boydston-White, Susan.  
Method of Characterization of Biological Entities-Filing date June 18, 2001, art unit 1743 examiner Jan M. Ludlow

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